

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

GLENN ALLEN CORBETT,

Plaintiff,

v.

CASE NO. 5:09-cv-362-PWG

RODNEY McABEE, et al.,

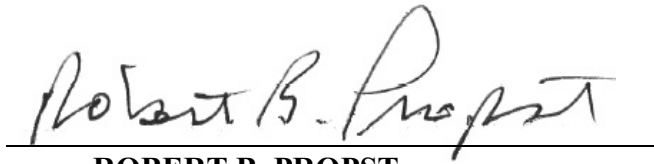
Defendants.

**MEMORANDUM OPINION**

The magistrate judge filed a report and recommendation on July 12, 2011 (doc. 48), recommending that defendants' Fourth Motion to Dismiss (doc. 41) is due to be GRANTED. On July 18, 2011, defendant filed "Plaintiff's Objections to Report and Recommendation" (doc. 49). The court will treat such filing as a motion, or, in the alternative, as objections to the magistrate judge's report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by defendant, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. To the extent that the plaintiff's filing of July 18, 2011 (doc. 49) is construed as interposing objections to the report and recommendation, such objections are due to be and hereby are OVERRULED. To the extent that the plaintiff's filing (doc. 49) is construed as a motion, it is due to be and hereby is DENIED. As a result, defendant's motion to dismiss (doc. 41) is GRANTED. A final judgment will be entered.

As to the foregoing it is SO ORDERED this the 14<sup>th</sup> day of September, 2011.

A handwritten signature in black ink, reading "Robert B. Propst", is written over a horizontal line.

**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**